

## **REMARKS**

### **1. Claim Rejections – 35 U.S.C. § 112**

In the Office Action mailed on May 18, 2006, claim 7 was rejected under 35 U.S.C. § 112 as failing to comply with the written description requirement. Claim 7 has been amended. Accordingly, Applicants respectfully submit that the rejection to claim 7 has been overcome.

### **2. Claim Rejections – 35 U.S.C. § 102(b)**

#### **A. Badera et al.**

In the Office Action, claims 26-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,040,543 to Badera et al. Applicants respectfully traverse these rejections.

Independent claim 26 as amended recites “the coating ...encompassing a solid member.” The tip 12 of Badera et al. is associated with a distal end of coil 2. Fig. 1; Col. 1, ll. 28-40. Thus, the tip joint 12 of Badera et al. is not encompassed within the elongate polymeric element 6.

Claim 26 as amended also recites “the solid member being supported solely by the coating and spaced from the distal end to provide localized weight within the coating.” The tip 12 of Badera et al. is supported by the coil 2 and does not provide for localized weight within the coating. Fig. 1. Accordingly, Applicants respectfully submit that the rejection has been overcome.

Claims 27 and 28 depend upon independent claim 26 and should be allowable for similar reasons. Additionally, claim 27 recites a radiopaque marker. Applicants respectfully submit that page 3 of the Office Action erroneously stated that Badera et al. discloses a radiopaque marker at Col. 3, ll. 28-29.

Claim 28 as amended recites “a portion of the coating is disposed between the distal end of the elongate member and the solid member, the portion of the coating being solid.”

Badera et al. does not disclose a solid portion of coating between a distal end of an elongate member and a solid member. *See, e.g.*, Figure 1.

**B. Engelson**

In the Office Action, claims 26-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,095,915 to Engelson. Applicants respectfully traverse these rejections.

Independent claim 26 as amended recites “the coating ...encompassing a solid member.” Figure 2 of Engelson illustrates that a pair of radiopaque bands 45, 47 are located on the exterior of the sleeve. Hence, the portions of Engelson cited by the Office Action do not disclose a coating that encompasses a solid member.

Claim 26 as amended also recites “the solid member being supported solely by the coating and spaced from the distal end to provide localized weight within the coating.” The portions of Engelson cited do not disclose placing a solid member within a coating to provide localized weighting within the coating. Accordingly, Applicants respectfully submit that the rejection to claim 26 has been overcome. Claims 27 and 28 depend upon independent claim 26 and should be allowable for similar reasons.

**C. Meyer et al.**

In the Office Action, claims 1-10, 21 and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,340,441 to Meyer et al. Applicants respectfully traverse these rejections.

Independent claim 1 as amended recites “a distal end comprising an elongate tip having a second substantially uniform diameter.” The portions of Meyer et al. cited in the Office Action do not disclose a distal end having an elongate tip of a substantially uniform diameter. Accordingly, Applicants respectfully submit that the rejection to claim 1 has been overcome.

Claims 2-10 depend upon independent claim 1 and should be allowable for similar reasons. Additionally, claim 2 as amended recites “a radiopaque marker disposed in the flexible tip, the radiopaque marker providing localized weight to the flexible tip to enhance flow direction properties of the flexible tip.” The portions of Meyer et al. cited do not disclose a radiopaque marker that provides localized weighting.

Claim 3 as amended recites “the coating being a blend of polymers selected to achieve the desired flexibility.” The portions of Meyer et al. cited do not disclose blending polymers to achieve desired flexibility.

Claim 4 as amended recites “the radiopaque material comprising an opacifying agent loaded into the flexible tip, a concentration of the opacifying agent being based upon the diameter of the elongate member.” The portions of Meyer et al. cited do not disclose changing the concentration of an opacifying agent based upon the diameter of an elongate member.

Claim 5 as amended recites “the radiopaque material comprising an opacifying agent loaded into the coating, a concentration of the opacifying agent being based upon the diameter of the coating.” The portions of Meyer et al. cited do not disclose changing the concentration of an opacifying agent based upon the diameter of a coating.

Claim 7 as amended recites “the flexible tip is longer than the elongate tip of the distal end.” The portions of Meyer et al. cited do not disclose an elongate tip associated with a distal end of an elongate member.

Independent claim 21 as amended recites “a distal end comprising an elongate tip having a second diameter.” As noted previously, the portions of Meyer et al. cited do not disclose a distal end having an elongate tip.

Claim 21 as amended also recites a “radiopaque marker disposed in the flexible tip to provide localized weight within the flexible tip and spaced from the distal end of the elongate member.” The portions of Meyer et al. cited do not disclose a radiopaque marker that provides localized weighting. Accordingly, Applicants respectfully submit that the rejection to claim 21 has been overcome. Claim 25 depends upon independent claim 21 and should be allowable for similar reasons.

### **3. Claim Rejections – 35 U.S.C. § 102(e)**

In the Office Action, claims 1-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2004/0087876 to Eskuri. Applicants respectfully traverse these rejections.

#### **A. Claims 1-13**

Independent claim 1 as amended recites “a coating having a second taper that approximates the first taper of the taper portion.” Eskuri is directed toward a number of balls being placed within a lumen. *See, e.g.*, Abstract; Fig. 1. However, the portions of Eskuri cited in the Office Action do not disclose a coating having a taper that approximates the taper of an elongate member. Accordingly, Applicants respectfully submit that the rejection to claim 1 has been overcome.

Claims 2-13 depend upon independent claim 1 and should be allowable for similar reasons. Additionally, claim 2 as amended recites “a radiopaque marker disposed in the flexible tip, the radiopaque marker providing localized weight to the flexible tip to enhance flow direction properties of the flexible tip.” The portions of Eskuri cited do not disclose a radiopaque marker that provides localized weighting.

Claim 3 as amended recites “the coating being a blend of polymers selected to achieve the desired flexibility.” The portions of Eskuri cited do not disclose blending polymers to achieve desired flexibility.

Claim 4 as amended recites “the radiopaque material comprising an opacifying agent loaded into the flexible tip, a concentration of the opacifying agent being based upon the diameter of the elongate member.” The portions of Eskuri cited do not disclose changing the concentration of an opacifying agent based upon the diameter of an elongate member.

Claim 5 as amended recites “the radiopaque material comprising an opacifying agent loaded into the coating, a concentration of the opacifying agent being based upon the diameter of the coating.” The portions of Eskuri cited do not disclose changing the concentration of an opacifying agent based upon the diameter of a coating.

Claim 7 as amended “the flexible tip is longer than the elongate tip of the distal end.” The portions of Eskuri cited do not disclose an elongate tip associated with a distal end of an elongate member.

#### **B. Claims 14-20**

Independent claim 14 as amended recites a “coating having a second taper that approximates the first taper of the taper portion.” The portions of Eskuri cited do not disclose a coating having a taper that approximates the taper of an elongate member. Accordingly, Applicants respectfully submit that the rejection to claim 14 has been overcome.

Claims 15-20 depend upon independent claim 14 and should be allowable for similar reasons. Additionally, claim 17 as amended recites “the radiopaque material comprising an opacifying agent loaded into the coating, a concentration of the opacifying agent being based upon the diameter of the elongate member.” The portions of Eskuri cited do not disclose altering a concentration of an opacifying agent based upon the diameter of an elongate member.

Claim 18 as amended recites “the radiopaque material comprising an opacifying agent loaded into the coating, a concentration of the opacifying agent being based upon the diameter of the coating.” The portions of Eskuri cited do not disclose altering a concentration of an opacifying agent based upon the diameter of a coating.

Claim 20 as amended recites “curvilinear portion that is J-shaped.” The portions of Eskuri cited do not disclose a J-shaped curvilinear portion.

#### **C. Claims 21-25**

Independent claim 21 as amended recites “a radiopaque marker disposed in the flexible tip to provide localized weight within the flexible tip and spaced from the distal end of the elongate member.” The portions of Eskuri cited disclose doping the outer member with marker material. However, they do not disclose positioning a radiopaque marker to provide localized weight within a flexible tip. Accordingly, Applicants respectfully submit that the rejection to claim 21 has been overcome. Claims 22-25 depend upon independent claim 21 and should be allowable for similar reasons.

#### **D. Claims 26-28**

Independent claim 26 as amended recites “the coating comprising a flexible tip extending beyond the distal end and encompassing a solid member...to provide localized weight within the coating.” The portions of Eskuri cited do not disclose encompassing a solid member within the coating to provide localized weight. Accordingly, Applicants respectfully submit that the rejection to claim 26 has been overcome.

Claims 27 and 28 depend upon independent claim 26 and should be allowable for similar reasons. Additionally, claim 28 as amended recites “a portion of the coating is disposed between the distal end of the elongate member and the solid member, the portion of the coating being solid.” The portions of Eskuri cited do not disclose a solid portion of coating between a distal end of an elongate member and a solid member.

## SUMMARY

Applicants respectfully submit that all of the pending claims are in condition for allowance and seek allowance thereof. If for any reason the Examiner is unable to allow the application but believes that an interview would be helpful to resolve any issues, the Examiner is respectfully requested to call the undersigned at (312) 321-4277.

Respectfully submitted,



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